

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 2-5 are pending in the above-identified application. Claim 1 was canceled in a previous amendment. Claim 2 has been amended to address cosmetic matters of form. This Amendment is submitted in accordance with 37 C.F.R. § 1.116, which permits the entering of Amendments complying with any requirement of form expressly set forth in a previous Office Action or presenting rejected claims in better form for consideration on appeal. As this Amendment does not raise new issues requiring further consideration and/or search, Applicants respectfully request that the present Amendment be entered under 35 C.F.R. § 1.116. No new matter has been added.

By way of summary, the Official Action presents the following issues: Claim 2 was objected to due to minor informalities; Claims 2, 4, and 5 were rejected under 35 U.S.C. § 103(a) as unpatentable over Grayson et al. (U.S. Patent No. 5,963,217, hereafter, "Grayson") in view of Gummel et al. (U.K. Patent GB2128786A, hereafter, "Gummel"); and Claim 3 was rejected under 35 U.S.C. § 103(a) as unpatentable over Grayson in view of Gummel and further in view of Sugiyama et al. (U.S. Patent No. 6,345,245, hereafter, "Sugiyama").

OBJECTION TO CLAIM 2

Regarding the objection to Claim 2, Applicant respectfully submits that as the term "inputting means" in Claim 2 has been changed to "inputting unit" where appropriate, the objection is overcome.

REJECTION OF CLAIMS 2, 4, AND 5 UNDER 35 U.S.C. § 103(a)

Regarding the rejection of Claims 2, 4 and 5 as obvious over Grayson in view of Gummel, that rejection is respectfully traversed.

As discussed in Applicant's previous response of December 2, 2004, one method of causing avatars in virtual space to speak or otherwise utter an audible sound is via selection of various keys or icons on a display screen. This method can be cumbersome because users must remove their hands from the keyboard in order to move a mouse to select the displayed keys. In light of this difficulty, Applicant developed the present invention as recited, for example, in independent Claim 2.

Independent Claim 2 recites, in part:

...an inputting unit configured to allow a user to input strings of characters constituting a chat carried on via an avatar which is active in said shared virtual space as an incarnation of said user;

a transmitting unit configured to transmit said strings of characters input through said inputting unit to said server as character data;

a converting means for converting said character data coming from said server into audio data including a correspondence table storing means for storing a correspondence table in which character data are made to correspond with audio data; and a processing means for referencing said correspondence table storing means so as to convert character data transmitted from said server into the corresponding audio data, and

an output configured to audibly output said audio data converted by said converting means. (emphasis added).

Accordingly, Claim 2 includes the feature of a correspondence table in which character data correspond with audio data. Additionally, a processing means for referencing the correspondence table converts character data into corresponding audio data.

As further discussed in Applicant's response submitted on December 2, 2005, no reasonable combination of the teachings of Grayson with those of Gummel discloses a table as recited in Claim 2. Rather, both Grayson and Gummel use text-to-speech processors to generate audio.

As stated in the Official Action, Grayson is silent regarding a correspondence table in

which character data correspond with audio data.¹ Regarding generation of audio for the user, Grayson states:

The text-to-speech processor 46 receives text and explicit audio commands (such as the voice characteristic commands) from the information stream and generates an audio information stream for the computer's sound processor to generate an audible voice. The text-to-speech processor also sends phoneme identifiers to the gesture processor/interpreter 44 in real-time as the audio is generated.²

Accordingly, the text-to-speech processor (46) receives explicit audio commands from an information stream and generates audio information. Thus, the text-to-speech processor (46) in no way qualifies as a correspondence table as recited in independent Claim 2.

In addressing the correspondence table feature recited in Claim 2, the Official Action states that:

Since both the claimed invention and the teachings of Grayson produce the same result (text-to-speech conversion in a chat session, it is extraneous whether one uses a table to map the text to sound or simply uses a different form of data structure in mapping the text entered to the corresponding audio sound which does not change the end-result or scope of the invention as claimed.”³

Applicants respectfully request the Examiner to cite the portion of the MPEP which supports this position. The scope of the invention is defined by claim terms, not "results." Moreover, it is well established that each word of every claim must be given weight. *See In Re Wilson, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).*

The Official Action further characterizes the correspondence table as “nonfunctional descriptive material” and states that “the data/information stored in the table being of a particular type (such as audio as claimed) does not affect the operation of the table or the conversion of data.”⁴ The Official Action states that the table and type of data stored in the table “is not given much patentable weight since one can expect that the table/database will

¹ Official Action of July 14, 2005, p. 4, paragraph 1.

² Grayson, col. 5, lines 26-33.

³ Official Action of July 14, 2005, p. 4, paragraph 2.

⁴ Official Action of July 12, 2005, p. 7-8.

store any type of data.”⁵ In support of this position, the Official Action cites MPEP § 2106 for the proposition that nonfunctional descriptive material cannot render nonobvious a substrate containing printed descriptive material.

Applicant respectfully submits that the feature of a correspondence table in which character data correspond with audio data as recited in Claim 2 is not “extraneous” and that this feature does affect the function of the image processing apparatus. As stated in MPEP § 2143, in order to make a *prima facie* case of obviousness, the “reference or (references when combined) must teach or suggest **all the claim limitations.**” Both the Specification⁶ and Claim 2 indicate how the correspondence table is used and how the table affects the function of the information processing apparatus. For example, because of the correspondence table, the invention as recited in Claim 2 may operate without a text-to-speech processor and any problems associated with the use of such a processor.

Moreover, close scrutiny of MPEP § 2106(VI) in context clearly indicates that the correspondence table recited in Claim 2 must be given patentable weight. MPEP § 2106(VI) states:

If the difference between the prior art and the claimed invention is limited to descriptive material stored on or employed by a machine, Office personnel must determine whether the descriptive material is functional descriptive material or nonfunctional descriptive material, as described *supra* in paragraphs IV.B.1(a) and IV. B.1(b). **Functional descriptive material is a limitation in the claim and must be considered and addressed in assessing patentability under 35 U.S.C. 103.**

As discussed above, the correspondence table of Claim 2 affects the function of the information processing apparatus. As stated in Claim 2, the character data in the table are made to correspond to audio data. The correspondence table recited in Claim 2 provides mapped data which is useful in the apparatus precisely because it is **mapped**. One type of data corresponds to another type of data in the table, and this arrangement is used in the

⁵ Official Action of July 12, 2005, p. 8.

⁶ See Fig. 13 of the Application, for example.

function of the information processing apparatus.

Accordingly, Applicant respectfully submits that Claim 2 patentably distinguishes over any reasonable combination of Grayson and Gummel for at least the reasons discussed above.

As Claims 4 and 5 recite substantially similar features to those discussed above regarding Claim 2, Applicant respectfully submits that Claims 4 and 5 patentably distinguish over the cited references for at least the same reasons as Claim 2.

REJECTION OF CLAIM 3 UNDER 35 U.S.C. § 103(a)

Regarding the rejection of Claim 3 under 35 U.S.C. § 103(a), Applicant respectfully traverses the rejection. The Official Action relies on Sugiyama as providing the more detailed aspect of dependent Claim 3. However, as Sugiyama is directed to dictionary management of local data processing systems for translating static files such as email, Sugiyama does not remedy the deficiencies of Grayson discussed above.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Should the Examiner continue to disagree with the above distinctions, Applicants respectfully request that the Examiner provide an explanation via Advisory Action pursuant to MPEP § 714.13 specifically rebutting the points raised herein for purposes of facilitating the appeal process.

Please note in accordance with the discussion herein, should the rejections in the Official Action of July 14, 2005 be maintained, Applicants intend to request a Pre-Brief Appeal Conference in accordance with the pilot program outlined in the Official Gazette Notice of July 12, 2005.

Respectfully submitted,

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